The Library of Congress'

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

REPORT

OF THE

SECRETARY OF STATE

OF THE

STATE OF ARKANSAS.

OCTOBER 1ST, 1878.

Little Rock:
PRINTED BY A. H SEVIER, PROPRIETOR "GAZETTE" BOOK AND JOB PRINTING HOUSE.
1878.

REPORT

OF THE

SECRETARY OF STATE

OCTOBER 1ST, 1878.

OFFICE OF SECRETARY OF STATE,
LITTLE ROCK, ARK., October 1, 1878.

To His Excellency W. R. Miller, Governor of Arkansas:

SIR: I have the honor to report the following exhibit of the business of this office for the past two years, with some suggestions concerning public affairs connected therewith:

STATE HOUSE AND GROUNDS.

As custodian of the State House and grounds, I have to report that for insufficient appropriation, no permanent improvements have been made. The appropriation of five hundred dollars made by the Legislature of 1877, for the ensuing two years was not sufficient to pay for necessary repairs, and a bill due Col. Zeb Ward for work done on grounds, and one to Mr. Stofer for painting and repairing roof of State House, and perhaps for some other small bills, there will be a deficiency.

The bill of Mr. Stofer for painting and repairing roof is more than was anticipated, but when the work was ordered, it was

considered a necessity, as some of the offices were being damaged by leakage. I have since ascertained that the price charged by Mr. Stofer was not more than charged to private citizens for such work, in proportion to the amount done on State House.

In this connection, I would recommend to Your Excellency to call attention of the next Legislature to the necessity of making a liberal appropriation for such repairs as are necessary. A judicious expenditure would add greatly to the present unsightly appearance, as well as to the more convenient arrangement of the offices under charge of the several departments of State.

STATE LIBRARY.

The improvements effected in this department of my office have been confined mainly to the arrangement and preservation of the volumes, and with the addition of cases for the reception of new books.

All of the available room for cases and shelving is now occupied, and many valuable documents received for some time past, are placed in such condition as to cause considerable delay in finding any volume desired.

It would be well for the Legislature to allow the Secretary of State to employ an additional clerk, whose principal duty should be to keep in order the State Library, and to arrange for publication a catalogue thereof. The services of such clerk could also be used at such times when the Secretary has an extra amount of work to execute; such as making out commissions for State and county officers after a general election; also, during the sitting of the Legislature, to be in constant attendance in the Library to wait upon the pleasure of the members thereof.

There have been many applications, both by our own citizens and by parties abroad, for copies of Gantt's Digest, Acts of the Legislature of 1868, Acts of the regular session of 1874–5, and for some of the earlier reports of the Supreme Court, but I have been wholly unable to supply the demand. These editions have long since been exhausted, and it is to be regretted that a bill providing for the purchase or reprint of these documents, which was introduced at a former session of the Legisla-

ture, did not become a law. This applies more especially to the Digest and the Acts of 1874–5, as many of our judicial, county and township officers are in need of the same, and cannot satisfactorily discharge their duties without them.

Five hundred copies of the Digest and one thousand copies of the Acts of 1874–5, would probably supply the present demand.

As to the necessity of a reprint of the other documents mentioned, it is left to the Legislature to determine.

We have upon our exchange list every State and Territory in the Union, with all of which a regular interchange of documents is maintained.

Through the courtesy of Hon. A. H. Garland, our State Library has received two valuable documents, entitled "The Federal and State Constitution, Colonial Charters, and other Organic Laws of the United States," bearing date 1877.

The number of public documents distributed according to law, is as follows, to-wit:

Number of volumes sent to counties, . . .	7741
Number of volumes to Supreme Court, . . .	275
Number of volumes to State officers, Circuit Judges and Prosecuting Attorneys, ...	425
Total, ...	8441

The number of public documents in the Library at this time is estimated to be 17,037.

ELECTION LAW.

The law governing elections is defective in many respects. Some of the returns received at this office are plain and intelligible, whilst others are vague, and consume considerable time in arriving at the meaning thereof. This could be remedied by the Legislature fixing by enactment an uniform poll-book and a general system of abstracts.

ENROLLMENT OF ACTS.

Many important acts passed by the General Assembly are either carelessly prepared or undue attention given in the enrollment thereof. The enrolling clerks, it may be admitted, are not accountable for all mistakes, and many laws which read in print as if some clerk had blundered, have been only too faithfully copied. Sometimes original bills contain errors, which neither the Chief Clerk of the House nor the Secretary of the Senate think it worth while to point out or to correct. The great bulk of enrollment is done within the last days of the session, and comes before the committee for examination at the time when they can give it least attention. They are interested in the legislation which the houses are maturing and enacting, and naturally attend to the special interests of their constituents. It is at this time that the greatest errors are committed. The Secretary of State, in preparing the laws for publication, has endeavored to point out the greatest errors by placing in brackets the true words which have been omitted or perverted.

COMMISSIONS.

An act of the Legislature approved November 26, 1875, requiring all State, county and township officers to procure their commissions, and for other purposes, has not in all cases been strictly complied with. Some of the officers-elect, not being familiar with this law, failed to make application for their commissions within the time specified, and I have thought it best to send such commissions, thereby saving the expense of holding special elections.

Notwithstanding the Constitution provides for the payment of fees into the State Treasury in advance, I am of the opinion that it would be the better policy to allow the Secretary of State to send commissions to the clerks of the counties, as was the custom prior to 1874. The clerks could account to the Secretary for fees collected, and return those commissions upon which the fees are not paid within the time allowed by the above mentioned act.

FEES.

The amount of fees collected and paid into the State Treasury for the past two years, is as follows, to-wit:

Paid in State scrip, ...	$2,617
Paid in United States currency, ...	80
Total, ...	$2,697

NEWSPAPERS.

The following newspapers have been received—free of charge—and the same placed on file in a conspicuous place in my office for the benefit of the public, viz:

Batesville Guard.	Monroe County Sun.
State Grange.	Jacksonport Herald.
DeWitt Indicator.	Arkansas Advertiser.
Prairie County Organ.	Van Buren Press.
Hot Springs Sentinel, daily.	Southern Standard.
Des Arc Citizen.	Arkansas Watchman.
Clay County Courier.	Saline County Digest.
Jonesboro Times.	Arkansas Gazette, daily.
White County Record.	Arkansas Democrat, daily.
Forrest City Democrat.	Van Buren Argus.
Arkansas City Post.	Spirit of Arkansas.
Randolph Scalpel.	Malvern Journal.
Prescott Clipper.	Prescott Dispatch.
Helena World, daily.	Pine Bluff Press.
Hope City Times.	Star of Hope.
Texarkana Democrat.	Southwestern Press.
Fort Smith Independent.	Arkansas Sentinel.
Fort Smith Herald.	Lawrence County Journal.
Fort Smith New Era.	Augusta Bulletin.
Logan County Enterprise.	Judsonia Review.
Osceola Times.	Eldorado Eagle.

Visitors from other States often refer to the above papers, and I have no doubt that many have found such information as induced them to settle in our State.

It would be well for the incoming Legislature to make an appropriation sufficient to pay the subscription price for one copy each of the newspapers published in our State, the same to be placed on file in this or some other office in the State House, for the accommodation of those desiring to refer to them.

ARTICLES OF ASSOCIATION FILED SINCE LAST REPORT.

NAME OF ASSOCIATION.	Date of Filing.
Fort Smith and Western Border Railroad Company	September 18, 1876
Citizens' Street Railroad Company	October 10, 1876
Hot Springs Ice Company	October 10, 1876
Merchants' and Planters' Bank	November 25, 1876
Little Rock Mining Company	December 8, 1876
Little Rock Water-works Company	January 11, 1877
Ouachita Valley Co-Operative Association of the Patrons of Husbandry	January 30, 1877
Citizens' Street Railway Company	February 6, 1877
Quachita Valley Extension Railroad Company	February 8, 1877
Hot Springs Railroad and Telegraph Company	February 27, 1878
Little Rock Agricultural Works	March 14, 1777
Searcy Narrow-Gauge Railroad	May 4, 1877
Arkansas River Transfer Railway Company	May 16, 1877
Little Rock Building Association No. 4	May 29, 1877
Mrs. Haile's Female Seminary	June 9, 1877
Washington and Hope Railway Company	June 14, 1877
Buckner College	July 28, 1877
Little Rock and Kansas City Railroad Company	December 28, 1877
Van Buren and Fort Smith Bridge Company	August 1, 1877
Citizens' Water-works Company	August 7, 1877
Carroll County Agricultural and Mechanical Association	August 7, 1877
Fort Smith and Van Buren Railroad Company	August 29, 1877
Pine Bluff Library Association	Septemher 11, 1877
Ouachita River Railroad	September 22, 1877
LaEstèlle Mining Company	September 10, 1878
Hot Springs Medical Association	September 24, 1877
Neosho, Bentonville and Southern Railroad Company	December 5, 1877
Northwestern Arkansas Railroad	December 5, 1877
Stonewall Hook and Ladder Company	December 17, 1877
Northwest Arkansas Railroad	December 22, 1877
Memphis and International Railroad Company	September 28, 1877
Little Rock, Mississippi River and Texas Railway	September 28, 1877
Camden and Prescott Telegraph Company	September 29, 1877
Ouachita Valley Co-Operative Association	September 8, 1878
Arkansas Whetstone Manufacturing Company	September 4, 1878
Hot Springs Water-works Company	December 28, 1877
Cotton Plant Railroad Company	January 7, 1878
Marion Lake Transportation Company	November 9, 1877
Public Works Construction Company	October 4, 1877
Searcy Branch Railroad Extension	January 9, 1878
Little Rock and Hot Springs Railroad Company	April 10, 1878
Arkadelphia and Hot Springs Railroad Company	April 10, 1878
Mount Ida, Arkadelphia and Southeastern Railroad Company	May 25, 1878
Hot Springs and Mount Ida Railroad Company	May 25, 2878
Benton and Western Railroad Company	May 25, 1878
Little Rock and Mount Ida Railroad Company	May 25, 1878
Conway Picnic Association	May 17, 1878

LIST OF TERRITORIAL AND STATE GOVERNORS.

TERRITORIAL GOVERNORS.

JAMES MILLER.

July 4, 1819.—Act organizing Territory passed Congress March 2, 1819; took effect July 4, 1819. Governor Miller appointed, by the President, from New Hampshire, March 3, 1819.

ROBERT CRITTENDEN,

From Kentucky, Secretary of the Territory, acted as Governor until December 26, 1819 (see note 1), when Governor Miller arrived and entered on his office. Term expired March 3, 1822. Renominated December 16, 1822, to date from March 3, 1822. Senate confirmed the appointment, but refused to antedate the commission.

GEORGE IZARD.

February 17, 1825.—Appointed from Pennsylvania, *vice* James Miller, appointed Collector at Salem, Mass. Term expired March 4, 1828. Reappointed December 27, 1827.

JOHN POPE.

1829.—Appointed from Kentucky. Arrived and entered on his office October 6, 1829.

WILLIAM S. FULTON.

January 28, 1835.—Previously Territorial Secretary. Entered on his office April, 1835. Superseded on organization of State Government.

(1.) Under the Territorial form of government the Secretary of the Territory, and under the State Government the President of the Senate, have, at various times, in accordance with a Constitutional provision, temporarily exercised the functions of the Governorship, in cases of absence of the Governor from the State.

GOVERNORS OF STATE.

JAMES S. CONWAY.

September 13, 1836.—State admitted to Union by act of Congress, June 16, 1836. Election for State officers declared September 13, 1836.

ARCHIBALD YELL.

November 5, 1840.—Resigned April 29, 1844.

SAMUEL ADAMS.

April 29, 1844.—Succeeded, by Constitutional provision, (being President of the Senate,) upon Governor Yell's resignation.

THOMAS S. DREW.

November 9, 1844.—Re-elected and qualified November 15, 1848. Resigned January 11, 1849.

RICHARD C. BYRD.

January 11, 1849.—Succeeded, by Constitutional provision, (being President of Senate,) upon Governor Drew's resignation.

JOHN SELDEN ROANE.

April 19, 1849.—Chosen at special election to fill vacancy occasioned by resignation of Governor Drew.

ELIAS N. CONWAY.

November 15, 1852.—Re-elected, and qualified January 15, 1857.

HENRY M. RECTOR.

November 15, 1860.—New Constitution adopted June 1, 1861, and new election of State officers ordered. November 4, 1862, Governor Rector, dissenting from the decision of the Supreme Court, that his term of office had expired, announced, however, that he vacated the functions of his office.

THOMAS FLETCHER (of Lincoln).

November 4, 1862.—Succeeded, by Constitutional provision, (being President of the Senate,) upon withdrawal of Governor Rector.

HARRIS FLANIGAN.

November 15, 1862.—September 10, 1863, upon the United States forces entering Little Rock, Governor Flanigan accom-

panied the Confederate forces, and thereafter exercised the functions of his office within the Confederate lines, south of line of Arkansas River, till surrender of Confederate forces west of the Mississippi, May 26, 1865 (see note 2). Meantime, another government was established within the United States lines.

ISAAC MURPHY.

January 20, 1864.—After the occupation of Little Rock by the United States forces, voluntary meetings of citizens of the Union party organized a Convention, which adopted a Constitution, and January 20, 1864, chose Isaac Murphy Provisional Governor. Upon election held, Mr. Murphy was chosen Governor, inaugurated April 18, 1864, and exercised the functions of his office, as far as practicable, in the territory within the Federal lines. After May 26, 1865, this became, *de facto*, the government of the whole State. It was, throughout, recognized by the Executive, but not by the Legislative Department of the United States Government. Governor Murphy was superseded July 2, 1868, upon reconstruction.

POWELL CLAYTON.

July 2, 1868.—Under the reconstruction acts of Congress, and military orders in pursuance thereof, a convention was held which submitted a Constitution to the registered electors of the State; upon ratification of which, Congress, June 22, 1868, admitted the State to representation, and Governor Clayton was inaugurated July 2, 1868. Resigned March 14, 1871, having been elected United States Senator.

OZRA A. HADLEY.

March 14, 1871.—Succeeded, by Constitutional provision, (being President of the Senate, and the office of Lieutenant-Governor being vacant,) upon Governor Clayton's resignation.

(2.) July 19, 1862, John S. Phelps, of Missouri, was appointed, by President Lincoln, Military Governor of Arkansas. He organized, at Helena, some forces for the service of the United States. Appointment revoked, and office of Military Governor abolished, July 9, 1863.

ELISHA BAXTER.

January 6, 1873.—(See note 3.) Superseded, on election held under New Constitution.

AUGUSTUS H. GARLAND.

November 12, 1874.

WILLIAM R. MILLER.

January 11, 1877.
September 2, 1878.—Re-elected.

TERRITORIAL SECRETARIES.

Robert Crittenden, from March 3, 1819, to October 6, 1829.
William S. Fulton, from October 6, 1829, to January 28, 1835.

SECRETARIES OF STATE.

Robert A. Watkins, from Sept. 16, 1836, to Nov. 12, 1840.
D. B. Greer, from November 12, 1840, to May 9, 1842.
John Winfrey, from May 9, 1842, to August 19, 1842.
D. B. Greer, from August 19, 1842, to December 11, 1844.
D. B. Greer, from December 11, 1844, to January 3, 1849.
D. B. Greer, from January 3, 1849, to January 20, 1853.
D. B. Greer, from January 20, 1853, to January 20, 1857.
D. B. Greer, from January 20, 1857, to September 3, 1859.
A. Basham, from September 3, 1859, to January 21, 1860.
S. M. Weaver, from January 21, 1860, to March 24, 1860.
John I. Stirman, from March 24, 1860, to November 13, 1862.
O. H. Oates, from November 13, 1862, to April 18, 1864.
Robert J. T. White, from April 18, 1864, to July 2, 1868.
Robert J. T. White, from July 2, 1868, to January 6, 1873.
J. M. Johnson, from January 6, 1873, to November 12, 1874.
B. B. Beavers, from November 12, 1874, to January 11, 1877.
B. B. Beavers, from January 11, 1877, to ——, 1879.

(3.) April 15, 1874, Joseph Brooks, claiming, under a decision of the Pulaski Circuit Court, to be Governor, seized the State House, and occupied it, against the forces of Governor Baxter, till May 15, 1874, when President Grant issued a proclamation recognizing Governor Baxter, and commanding the forces under Mr. Brooks to disperse; and the State House was surrendered to Governor Baxter May 19, 1874.

TERRITORIAL AUDITORS.

George W. Scott, from August 5, 1819, to August 5, 1823.
George W. Scott, from August 5, 1823, to August 24, 1827.
George W. Scott, from Aug. 24, 1827, to Nov. 20, 1829.
Richard C. Byrd, from Nov. 20, 1829, to Nov. 5, 1831.
Emzy Wilson, from November 5, 1831, to November 12, 1833.
William Pelham, from November 12, 1833, to July 25, 1835.
Elias N. Conway, from July 25, 1835, to October 1, 1836.

AUDITORS OF STATE.

Elias N. Conway, from Oct. 1, 1836, to Nov. 20, 1838.
Elias N. Conway, from Nov. 20, 1838, to Dec. 19, 1840.
Elias N. Conway, from December 19, 1840, to May 17, 1841.
A. Basham, from May 17, 1841, to July 5, 1841.
Elias N. Conway, from July 5, 1841, to February 9, 1843.
Elias N. Conway, from February 9, 1843, to March 10, 1845.
Elias N. Conway, from March 10, 1845, to March 10, 1847.
Elias N. Conway, from March 10, 1847, to January 3, 1849.
C. C. Danley, from January 3, 1849, to January 10, 1851.
C. C. Danley, from January 10, 1851, to January 20, 1853.
C. C. Danley, from January 20, 1853, to September 16, 1854.
W. R. Miller, from September 16, 1854, to January 23, 1855.
A. S. Huey, from January 23, 1855, to January 23, 1857.
W. R. Miller, from January 23, 1857, to February 10, 1859.
W. R. Miller, from February 10, 1859, to March 5, 1860.
H. C. Lane, from March 5, 1860, to January 24, 1861.
W. R. Miller, from January 24, 1861, to November 24, 1862.
W. R. Miller, from November 24, 1862, to April 18, 1864.
J. R. Berry, from April 18, 1864, to October 15, 1866.
W. R. Miller, from October 15, 1866, to July 2, 1868.
J. R. Berry, from July 2, 1868, to January 6, 1873.
Stephen Wheeler, from Jan. 6, 1873, to Nov. 12, 1874.
W. R. Miller, from November 12, 1874, to January 11, 1877.
John Crawford, from January 11, 1877, to ——.

TERRITORIAL TREASURERS.

James Scull, from August 5, 1819, to August 5, 1823.
James Scull, from August 5, 1823, to June 18, 1827.
James Scull, from June 18, 1827, to November 20, 1829.
James Scull, from November 20, 1829, to November 5, 1831.
James Scull, from November 5, 1831 to November 12, 1833.
S. M. Rutherford, from Nov. 12, 1833, to Oct. 1, 1836.

TREASURERS OF STATE.

W. E. Woodruff, from Oct. 1, 1836, to Nov. 20, 1838.
John Hutt, from November 20, 1838, to December 19, 1840.
John Hutt, from December 19, 1840, to February 2, 1843.
J. C. Martin, from February 2, 1843, to January 4, 1845.
Samuel Adams, from January 4, 1845, to December 11, 1846.
Samuel Adams, from December 11, 1846, to January 2, 1849.
William Adams, from January 2, 1849, to January 10, 1849.
John H. Crease, from January 10, 1849, to January 20, 1853.
John H. Crease, from January 20, 1853, to January 27, 1855.
A. M. Rutherford, from Jan. 27, 1855, to Feb. 2, 1857.
J. H. Crease, from February 2, 1857, to February 2, 1859.
John Quinley, from February 2, 1859, to December 13, 1860.
James A. Martin, from Dec. 13, 1860, to Feb. 2, 1861.
Oliver Basham, from February 2, 1861, to April 18, 1864.
E. D. Ayers, from April 18, 1864, to October 15, 1866.
L. B. Cunningham, October 15, 1866, to August 19, 1867.
Henry Page, from August 19, 1867, to July 2, 1868.
Henry Page, from July 2, 1868, to January 6, 1873.
Henry Page, from January 6, 1873, to May 23, 1874.
R. C. Newton, from May 23, 1874, to November 12, 1874.
T. J. Churchill, from Nov. 12, 1874, to Jan. 11, 1877.
T. J. Churchill, from January 11, 1877, to ——.

CONCLUSION.

I am unwilling to close this report without returning thanks to those who have been connected with me in the office, and especially to Major G. W. St. Clair, my Deputy, to whose pro-

ficiency in all matters connected with the office I am greatly indebted for any reputation this office may have for promptness and dispatch of business during my incumbency.

In retiring from the Secretary's office, after four years' service, I trust I carry with me the good-will of those with whom I have been most intimately connected in business affairs, and hope that my endeavors to prove a faithful public servant may meet with the approbation of the people of the State.

B. B. BEAVERS,
Secretary of State.